Practitioner's Docket No. <u>U013209-3</u>

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

[x] In re application of: (Olav Lanes
Application No.;	Group No.:
Filed: January 10, 2001	Examiner:
For: COD URACIL-D	ONA GLYCOSYLASE, GENE CODING THEREFORE
RECOMBINAN	T DNA CONTAINING SAID GENE OR OPERATIVE PARTS
THEREOF, A M	ETHOD FOR PREPARING SAID PROTEIN AND THE USE OF
	OR SAID OPERATIVE PARTS THEREOF IN MONITORING OR
CONTROLLING	3 PCR
•	
[] *Patent No.:	Issue Date:
*NOTE: Insert nat	me(s) of inventor(s) and title also for patent Where statement is with respect to a maintenance
fee payme	ent, also insert application number and filing date, and add Box M. Fee to address.
CTATEMENT CI	AIMING SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))
SIMIEMENICE	
With respect to the inve	ention described in
[] the specification	on filed herewith.
[x] application no	o. <u>09/758,017</u> , filed <u>January 10, 2001</u>
[] patent no.	issued
	ION AND RIGHTS AS A SMALL ENTITY
L DENTIFICATI	ON AND RIGHTS AS A SHALLE BILLEY
I hereby state that I am	·
	(complete either (a), (b), (c) or (d) below)
/	
(a) Independent Inve	a balance named independent inventor, and that I quality as an independent
[]	investor as defined in 37 CFR 1.9(c), for purposes of paying reduced fees
	under Sections 41(a) and (b) of Title 35, United States Code, to the Patent
	and Trademark Office.
(b) Noninventor Sup	porting a Claim by Another
[]	making this statement to support a claim by
for a small antity status	s for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35
	Langler which that I strough displict at all independent intention as desired in si
CFR 1.9(c) for purpose	es of paying reduced fees under Sections 41(a) and (b) of Title 33, Office
States Code, if I had m	nade the above identified invention.
(c) Small Business	Concern
ahaak ""	er of the small business concern identified below: ial of the small business concern empowered to act on behalf of the concern
one → [] an offici	ial of the small dusiness concern empowered to dot of senting and



Name	of Concer	nBiotec ASA		
Addres	s of Cond	ern Strandgaten 3		
		N-9008 Tromsö		and
CFR 1 41(a) a those of employ person year, a	21.3-18, and (b) of of its affil yees of the semployed and (2) con	and reproduced in 37 CF Title 35, United States Co intes, does not exceed 50 e business concern is the ed on a full-time, part-time cerns are affiliates of eac	R 1.9(d), for purpose ode, in that the number 00 persons. For purpose average over the presence or temporary basis of the other when either, d	small business concern, as defined in 13 s of paying reduced fees under Sections or of employees of the concern, including uses of this statement, (1) the number of evious fiscal year of the concern of the luring each of the pay periods of the fiscal irectly or indirectly, one concern controls controls or has the power to control both.
7 '	on-Profit ([]	Organization an official empowered to	o act on behalf of the	nonprofit organization identified below:
		zation		
TYPE	OF ORG	ANIZATION		
	[]	University or Other Inst	itution of Higher Edu	cation
	[]	Tax Exempt Under Inter	mal Revenue Service	Code (26 USC 501(a) and 501(c) (3))
	[] America	-	•	Statute of State of the United States of
		(Name of State		
		(Citation of Statute		
	[]	Would Qualify as Tax I and 501(c) (3)), if Loca	Exempt Under Internated in the United State	l Revenue Service Code (26 USC 501(a) es of America
	[]	Would Qualify as Non United States of Americ (Name of State (Citation of Statute	ca, if Located in the U	
37 CI	nat the nor FR 1.9(e), s Code.	profit organization identifier for purposes of paying	tified above qualifies reduced fees under S	as a nonprofit organization, as defined in ections 41(a) and (b) of Title 35, United
п.	OWNER	SHIP OF INVENTIO	N BY DECLARANT	
identi		state that rights under con	tract or law remain wi	th and/or have been conveyed to the above
(item	[] person (a) or (b)		[x] concern (item (c) above)	[] organization (item (d) above)

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

[x] []		h person, concern, or organization, concerns or organizations listed			
*NOTE: Separate statements are required from each named person, concern or organization havin invention as to their status as small entities. (37 CFR 1.27)					
Full Name					
[] NDIV	IDUAL	[] SMALL BUSINESS CONCERN	[] NONPROFIT ORGANIZATION		
•	_				
Address	VIDUAL	[] SMALL BUSINESS CONCERN	[] NONPROFIT ORGANIZATION		

III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

IV. DECLARATION

(check the following item, if desired)

NOTE:

The following verification statement need not be made in accordance with the rules published on October 10, 1997, 62 Fed. Reg. 52131, effective December 1, 1997.

NOTE:

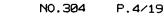
"The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under \S 10.18(b) of this chapter. Violations of \S 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under \S 10.18(c) of this chapter. Any practitioner violating \S 10.18(b) may also be subject to disciplinary action. See $\S\S$ 10.18(d) and 10.23(c)(15)." 37 CFR 1.4(d)(2).

[] I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

V. SIGNATURES

(complete only (e) or (f) below)

(e) NOTE: All inventors must sig	n the statement.
Name of Inventor	
Signature of Inventor	Date:
Name of Inventor	-
Signature of Inventor	Date:
Name of Inventor	_
Signature of Inventor	Date:
(add lines f	for any additional inventors who must sign)
	or
, 1/	ting on behalf of a concern or nonprofit organization should be specified. KIRSTI NIKOLAISEN
Name of Person Signing (x) Average Title of Person (x) Path 7 (if signing on beh	Advisor alf of a concern or non-profit organization)
Address of Person Signing Biotec A	SA, Strandgaten 3, N-9008 Tromsö, Norway
SIGNATURE (x) XX XX	Wash DATE (x) 31.01.2001





Practitioner's Docket No. <u>U013209-3</u>

PATENT

Optional Customer No. Bar Code



COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION, OR C-I-P)

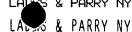
As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

(check one applicable item below)

	[X] []	original. design.
NOTE:	With the declarat 714.16,	exception of a supplemental oath or declaration submitted in a reissue, a supplemental oath or tion is not treated as an amendment under 37 CFR 1.312 (Amendments after allowance). M.P.E.P. Section 7 th Ed.
	[]	supplemental.
NOTE:	If the de	claration is for an International Application being filed as a divisional, continuation or continuation-in- plication, do <u>not</u> check next item; check appropriate one of last three items.
	[]	national stage of PCT.
NOTE:	CONTI	f the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL. NUATION OR C-I-P.
NOTE:	declara	C.F.R. Section 1.63(d) (continued prosecution application) for use of a prior nonprovisional application tion in the continuation or divisional application being filed on behalf of the same or fewer of the inventors in the prior application.
	[]	divisional. continuation.
NOTE:	Where or divi must b	an application discloses and claims subject matter not disclosed in the prior application, or a continuation stonal application names an inventor not named in the prior application, a continuation-in-part application efficient filed under 37 C.F.R. Section 1.53(b) (application filing requirements-nonprovisional application).
	[]	continuation-in-part (C-I-P).





INVENTORSHIP IDENTIFICATION

WARNING:

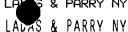
If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

COD URACIL-DNA GLYCOSYLASE, GENE CODING THEREFORE RECOMBINANT DNA CONTAINING SAID GENE OR OPERATIVE PARTS THEREOF, A METHOD FOR PREPARING SAID PROTEIN AND THE USE OF SAID PROTEIN OR SAID OPERATIVE PARTS THEREOF IN MONITORING OR CONTROLLING PCR

	SPECIFICATION IDENTIFICATION					
The spe	cificatio	on of which: (complete (a), (b), or (c))				
(a)	[]	is attached hereto.				
NOTE:	with a m	lowing combinations of information supplied in an oath or declaration filed on the application filing date pecification are acceptable as minimums for identifying a specification and compliance with any one of the low will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:				
	declara	"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or tion at the time of execution and submitted with the oath or declaration on filing,				
		"(2) name of inventor(s), and attorney docket number which was on the specification as filed; or				
		"(3) name of inventor(s), and title which was on the specification as filed."				
		Notice of July 13, 1995 (1177 O.G. 60).				
(b)	[x] []	was filed on <u>January 10, 2001</u> [x] as Application No. <u>09/758.017</u> and was amended on (if applicable).				
NOTE:	filing de	nents filed after the original papers are deposited with the PTO that contain new matter are not accorded a ate by being referred to in the declaration. Accordingly, the amendments involved are those filed with the tion papers or, in the case of a supplemental declaration, are those amendments claiming matter not assed in the original statement of invention or claims, See 37 C.F.R. Section 1.67.				
NOTE:	accent/	llowing combinations of information supplied in an oath or declaration filed after the filing date are ble as minimums for identifying a specification and compliance with any one of the items below will be as complying with the identification requirement of 37 C.F.R. Section 1.63: (A) application number (consisting of the series code and the serial number, e.g., (18/123,456); (B) scrial number and filing date; (C) attorney docket number which was on the specification as filed; (D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or (E) title which was on the specification as filed and accompanied by a c ver letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., (18/123, 456), or serial number and filing date, Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.				



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(c)	[]	was described and claimed in PCT International Application No filed on and as amended under PCT Article 19 on (if any).				
	SUPPLEMENTAL DECLARATION (37 C.F.R. Section 1.67(b))					
	. (complete the following where a supplemental declaration is being submitted)				
	[]	I hereby declare that the subject matter of the				
		attached amendment amendment filed on				
		of the original				

was part of my/our invention and was invented before the filing date of the of application, above identified, for such invention.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56,

(also check the following items, if desired)

- and which is material to the examination of this application, namely, information [] where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
 - in compliance with this duty, there is attached an information disclosure [] statement, in accordance with 37 C.F.R. Section 1.98.

PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))

NOTE: "The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by Section 1.63. The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. Section 119(b) must be filed in the case of an interference (Section 1.630), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other situations, before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting entry and by the fee set forth in Section 1.17(i). If the certified copy is not in the English language, a translation need not be filed except in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. Section 1.55(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

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1	å	PARRY	NY		

(d)	[]	no such applications have been filed.
(e)	โฆโ	such applications have been filed as follow

Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority NOTE: check item (c), enter the details below and make the priority claim.

PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 USC 119
NO	2000 0163	12 January 2001	[x] YES [INO
NO	2000 5428	27 October 2000	[x]YES []NO
			[]YES []NO
			[]YES []NO
			[]YES []NO

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) (35 U.S.C. Section 119(e))

I hereby claim the benefit under Title 35	, United States Code,	Section 119(e) of any United
States provisional application(s) listed below:		

PROVISIONAL APPLICATION NUMBER	FILING DATE

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. SECTION 120

The claim for the benefit of any such applications are set forth in the attached [] ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P) APPLICATION.

ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

If the application filed more than 12 months from the filing date of this application is a PCT filing forming the NOTEbasis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. Section 120.

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

JOSEPH H. HANDELMAN, 26179

RICHARD J. STREIT, 25765

JOHN RICHARDS, 31053

PETER D. GALLOWAY, 27885

IAN C. BAILLIE, 24090

THOMAS F. PETERSON, 24790

RICHARD P. BERG, 28145

JULIAN H. COHEN, 20302

WILLIAM R. EVANS 25858

JANET I. CORD, 33778

CLIFFORD J. MASS, 30086

CYNTHIA R. MILLER, 34678

(Check the following item, if applicable)

- I hereby appoint the practitioner(s) associated with the Customer Number provided [] below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
- Attached, as part of this declaration and power of attorney, is the authorization of the []above-named practitioner(s) to accept and follow instructions from my representative(s).

"Special care should be taken in continuation or divisional applications to ensure that any change of NOTE: correspondence address in a prior application is reflected in the continuation or divisional application. For example, where a copy of the oath or declaration from the prior application is submitted for a continuation or divisional application filed under 37 CFR 1.53(b) and the copy of the oath or declaration from the prior application designates an old correspondence address, the Office may not recognize, in the continuation or divisional application, the change of correspondence address made during the prosecution of the prior application. Applicant is required to identify the change of correspondence address in the continuation or divisional application to ensure that communications from the Office are mailed to the current correspondence address. 37 CFR 1,63(d)(4)." Section 601.03, M.P.E.P., 7th Ed

LAD & PARRY N

SEND CORRESPONDENCE TO

Ladas & Parry 26 West 61st Street New York, N.Y. 10023 DIRECT TELEPHONE CALLS TO: (Name and telephone number)

William R. Evans

(212) 708-1930

(complete the following if applicable)

Since this filing is a [] continuation [] divisional there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

DECLARATION

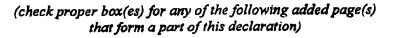
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



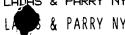
SIGNATURE(S)

- Carefully indicate the family (r last) name, as it should appear on the filing receipt and all other document. NOTE:
- Each inventor must be identified by full name, including the family name, and at least one given name without NOTE: abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship, 37 C.F.R. Section 1.63(a)(3).
- NOTE: Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the executing inventor. 62 Fed. Reg. 53,131.

<u>)lav</u> Given Name)	(Middle Initial or Name)	Lanes Family (Or Last Name)
nventor's signature (x)	Olew Lans	
Date (x) 31/1-01	Country of Citizenship	Norway
Residence <u>Rek</u>	tor Ovigstads g. 16, N-9009 Trom	so, Norway
Post Office Address	Same as above	
Full name of second joint i	nventor, if any	
<u>Vils</u>	Peder (Middle Initial or Name)	Willasen Family (Or Last Name)
Given Name)	Now Perber U	- 1
Date (x) 27.02.01	Country of Citizenship	Norway
ResidenceGu	lengveien 6, N-9010 Tromsö, No	way
Post Office Address	Same as above	
Full name of third joint in	ventor, if any	
Per (Given Name)	Henrik (Middle Initial or Name) Parlema Mid	Guddal Family (Or Last Name)
Inventor's signature (x)		
	1 Country of Citizenship	
	· c >1 2750 10 and al Nia	Talias.
Residence Gra	Same as above	



[x]	Signature for fourth and subsequent joint inventors. Number of pages added
	. * * *
[]	Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added
	* * T
[]	Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. Section 1.47. Number of pages added
	* * *
[]	Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 C.F.R. Section 1.47)
	* * *
[]	Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.
	[] Number of pages added
	* * *
[]	Authorization of practitioner(s) to accept and follow instructions from representative.
	(If no further pages form a part of this Declaration, then end this Declaration with this page and check the following item)
	[] This declaration ends with this page.





Practitioner's D cket No. <u>U013209-3</u>

ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY FOURTH AND SUBSEQUENT INVENTORS

Full name of fourth joint inventor, if any <u>Giellesvik</u> Rune Family (Or Last Name) (Given Name) (Middle Initial or Name) Inventor's signature (x) Date (x) 31/1-01 Country of Citizenship Norway Karl Pettersens gt. 31, N-9009 Tromsö, Norway Residence Post Office Address Same as above Full name of fifth joint inventor, if any (Middle Initial or Name) Family (Or Last Name) (Given Name) Inventor's signature Date _____ Country of Citizenship _____ Post Office Address _____ Full name of sixth joint inventor, if any (Middle Initial or Name) Family (Or Last Name) (Given Name) Inventor's signature _____ Date _____ Country of Citizenship _____ Residence Post Office Address